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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,743	09/30/2003	Peter Fischer	DE920010118US1	5990

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IBM CORP (YA)  
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EXAMINER
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MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

NOTIFICATION DATE	DELIVERY MODE
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08/05/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,743	<b>Applicant(s)</b> FISCHER ET AL.	
	<b>Examiner</b> Joseph Maniwang	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/08 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 3 recites the limitation "responsive to identifying references". There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. Claims 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamada et al. (U.S. Pat. App. Pub. 2002/0078105), hereinafter referred to as Hamada.

6. Regarding claim 3, Hamada disclosed a method and system comprising identifying a reference in an existing navigation tree of local portal representing a placeholder for a navigation tree of the remote portal fragment ("insertion positions", see paragraph [0031], [0264], [0286]), wherein the navigation tree defines a relationship between nodes of the navigation tree (see paragraph [0063]); establishing communication with the remote portal (see paragraph [0073]); receiving meta-information from the remote portal describing the navigation tree of the remote portal fragment to be integrated (see paragraph [0073]); merging the existing navigation tree with the navigation tree of the remote portal fragment to be integrated resulting in a new navigation tree (see paragraph [0067], [0267], [0268]); and rendering an integrated portal page by traversing the new navigation tree, wherein rendering the integrated portal page comprises responsive to identifying references to remote portal fragment in the new navigation tree during rendering, establishing communication with the remote portal and receiving a markup of the remote portal fragment for displaying the remote portal fragment into the integrated portal page (see paragraph [0067], [0267], [0268]).

7. Regarding claim 4, Hamada disclosed the method and system wherein receiving the meta-information comprises loading a navigation tree of the remote portal if a portal fragment request is received by the remote portal (see paragraph [0070], [0209]); extracting the navigation tree of the remote portal fragment to be integrated from the navigation tree of the remote portal (see paragraph [0072]); and inserting the navigation

tree of the remote portal fragment into an extensible markup language document (see paragraph [0067], [0267], [0268]).

8. Regarding claim 5, Hamada disclosed the method and system further comprising receiving the meta-information by the local portal in a standardized extensible markup language format (see paragraph [0063]).

9. Regarding claim 6, Hamada disclosed the method and system wherein the meta-information is converted from the standardized extensible markup language format into a format of the existing navigation tree of the local portal before merging (see paragraph [0075]).

### ***Response to Arguments***

10. Applicant's arguments filed 07/10/08 have been fully considered but they are not persuasive.

11. Examiner notes that Applicant's remarks are directed to claim 1. However, as claim 1 has been cancelled, it is noted that this error is assumed to intend to reference independent claim 3.

12. Regarding claims 3-6 rejected under 35 U.S.C. 102 as anticipated by Hamada, Applicant asserts that the reference does not teach "responsive to identifying references to the remote portal fragment in the new navigation tree during rendering, establishing communication with the remote portal and receiving a markup of the remote portal fragment for displaying the remote portal fragment into the integrated portal page" as recited in claim 3. Specifically, Applicant argues that Hamada discloses the generation

of a composition web document by first extracting portions of other web documents, then rendering the composition web document. That is to say, Hamada allegedly discloses establishing a communication with other web documents before rendering the composition web document, while claim 3 recites establishing communication with the remote portal and receiving a markup of the remote portal fragment for displaying the remote portal fragment into the integrated portal page during rendering of the integrated portal page. However, such an assertion raises several issues.

13. First, the claim language does not preclude communication with the remote portal before the rendering step as Applicant appears to argue. In fact, the claims require such a provision, which recites “establishing communication with the remote portal” followed by the rendering step. Furthermore, a disqualification of the reference based on the simple fact that it establishes communications to a remote portal prior to rendering would present serious issues of enablement. Clearly, any type of “rendering” of a page composed of remote portions *without* prior communications with the remote portions would be logically impossible.

14. Second, the recitation of “rendering” is broad, which can be viewed as either 1) the act of displaying/outputting a portal page, or 2) the process of forming the portal page. It appears Applicant's assertion is that “rendering” is the former (“the process that outputs a document (i.e., rendering)”, Remarks p. 7). In this case, prior communication with a remote portal is still necessary, as argued above. Additionally, Examiner submits that such an assertion is contrary to the claim language. Claim 3 recites that “rendering an integrated portal page...comprises: responsive to identifying references to the

remote portal fragment in the new navigation tree during rendering, establishing communication with the remote portal and receiving a markup of the remote portal fragment for displaying the remote portal fragment into the integrated portal page”, which clearly outlines a process of forming the portal page. Even during such a process, as outlined in the claims, prior communication with the remote portal is not prohibited and in fact required, so disqualification of the reference based on this fact is again not persuasive. Furthermore, such a process implies no “display” or “output” of the document.

15. Finally, Applicant asserts that Hamada discloses a different order of operation than that of claim 3. In short, Applicant characterizes Hamada’s process as insertion commands (requiring communication with other web documents) followed by conversion commands. Examiner submits that such disclosure parallel with the recitation of claim 3. As noted above, claim 3 also requires a communication step prior to the rendering step.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on 8:00AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144